

FOREIGN CLAIMS SETTLEMENT COMMISSION  
OF THE UNITED STATES  
WASHINGTON, D.C. 20579

IN THE MATTER OF THE CLAIM OF

ROBERT L. PAUL

Under the International Claims Settlement  
Act of 1949, as amended

Claim No. CU -8475

Decision No. CU  
6190

Counsel for claimant:

John G. Smith, Esq.

PROPOSED DECISION

This claim against the Government of Cuba, filed under Title V of the International Claims Settlement Act of 1949, as amended, in the amount of \$8,574.44, was presented by ROBERT L. PAUL on February 26, 1970 and is based upon the asserted loss of interests in bonds issued by the Cuba Railroad Company. Claimant has been a national of the United States since birth.

Under Title V of the International Claims Settlement Act of 1949 [78 Stat. 1110 (1964), 22 U.S.C. §§1643-1643k (1964), as amended, 79 Stat. 988 (1965)], the Commission is given jurisdiction over claims of nationals of the United States against the Government of Cuba. Section 503(a) of the Act provides that the Commission shall receive and determine in accordance with applicable substantive law, including international law, the amount and validity of claims by nationals of the United States against the Government of Cuba arising since January 1, 1959 for

losses resulting from the nationalization, expropriation, intervention or other taking of, or special measures directed against, property including any rights or interests therein owned wholly or partially, directly or indirectly at the time by nationals of the United States.

Section 502(3) of the Act provides:

The term "property" means any property, right, or interest including any leasehold interest, and debts owed by the Government of Cuba or by enterprises which have been nationalized, expropriated, intervened, or taken by the Government of Cuba and debts which are a charge on property which has been nationalized, expropriated, intervened, or taken by the Government of Cuba.

Section 504 of the Act provides, as to ownership of claims, that

(a) A claim shall not be considered under section 503(a) of this title unless the property on which the claim was based was owned wholly or partially, directly or indirectly by a national of the United States on the date of the loss and if considered shall be considered only to the extent the claim has been held by one or more nationals of the United States continuously thereafter until the date of filing with the Commission.

The Regulations of the Commission provide:

The claimant shall be the moving party and shall have the burden of proof on all issues involved in the determination of his claim. (FCSC Reg., 45 C.F.R. §531.6(d) (1970).)

Claimant asserted ownership of 10 bonds known as First Mortgage Gold Bond, 4%, due June 30, 1970 and 2 bonds known as First Lien and Refunding Mortgage Gold Bond, 6%, due December 1, 1936 assertedly valued at \$8,574.44.

In our decisions entitled the Claim of Joseph Gans (Claim No. CU-1720) and Claim of Albert I. Harris (Claim No. CU-2398), we held that the properties of the Railroad were nationalized or otherwise taken by the Government of Cuba on October 13, 1960; that this type of claim is compensable to an American national under the facts and conditions set forth therein; and that the value per \$1,000 bond was \$492.86 and \$682.56 respectively including interest to October 13, 1960.

The bonds in question are bearer bonds and, accordingly, freely negotiable. It is incumbent upon claimant to establish when he acquired the bonds, and the price paid if subsequent to October 13, 1960, the date of loss. (See Claim of Samuel J. Wikler, et al., Claim No. CU-2571, 1968 FCSC Ann. Rep. 47.)

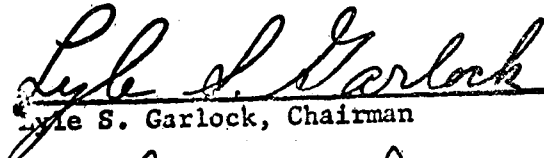
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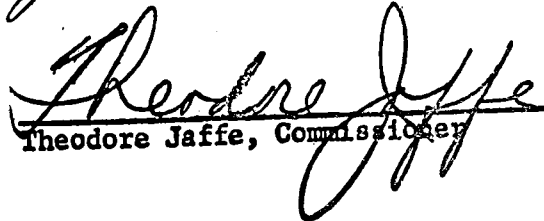
By Commission letters of March 9, 1970, June 29, 1970, August 26, 1970 and September 3, 1970 it was suggested to counsel what type of evidence he might submit in support of the claim. This evidence has not been submitted to date.

The Commission finds that claimant has failed to establish a loss certifiable under the Act. Claimant has not met the burden of proof. Thus, the Commission is constrained to deny this claim and it is hereby denied.

Dated at Washington, D. C.,  
and entered as the Proposed  
Decision of the Commission

**MAY 12 1971**

  
Lyle S. Garlock, Chairman

  
Theodore Jaffe, Commissioner

NOTICE: Pursuant to the Regulations of the Commission, if no objections are filed within 15 days after service or receipt of notice of this Proposed Decision, the decision will be entered as the Final Decision of the Commission upon the expiration of 30 days after such service or receipt of notice, unless the Commission otherwise orders. (FCSC Reg., 45 C.F.R. §531.5(e) and (g), as amended (1970).)

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